

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JULIE RENEE STUMP,

Plaintiff,

v.

No. CV 21-413 CG

KILOLO KIJAKAZI,¹
Commissioner of the
Social Security Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO AWARD ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff Julie Renee Stump's *Unopposed Motion for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act* (the "Motion"), (Doc. 24), filed June 10, 2022. In the Motion, Ms. Stump indicates the parties have agreed to award her attorney fees in the amount of \$6,638 and costs in the amount of \$402.00. (Doc. 24 at 1-2). The Court, having reviewed the Motion under EAJA, 28 U.S.C. § 2412, and noting the Motion is unopposed, finds the Motion is well-taken and shall be granted.

IT IS THEREFORE ORDERED that Ms. Stump be awarded attorney fees in the amount of \$6,638 and costs in the amount of \$402.00 pursuant to EAJA, 28 U.S.C. § 2412, made payable to Ms. Stump but mailed to her attorney. See *Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Ms. Stump's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Ms. Stump's

¹ Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

counsel shall refund the smaller award to Ms. Stump pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE